**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**
**(Special Original Jurisdiction)**

**THURSDAY, THE SEVENTEENTH DAY OF JUNE TWO THOUSAND AND FOUR**

**PRESENT**

**HON'BLE SRI DEVINDER GUPTA,**
**CHIEF JUSTICE**

**WRIT PETITION NO : 14980 of 1994**

**Between:**

P.Munirathnam Naidu, S/o.Sri Ankama Naidu,
R/o. Achchama Naidu Kandriga (V), Satyavedu (M),
Chittoor Dist.

**.....**
**PETITIONER**

AND

The Manager, Sri Venkateswara Grameena Bank, Karani Branch,Nagalapuram (M), Chittoor Dist.

**....RESPONDENT**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction, particularly in the nature of Writ of Mandamus, declaring the action of the Respondent in not releasing the Jewels weighing 19.700 grams pledged by the petitioner with the Respondent-Bank towards gold loan Account No.44/88, as arbitrary, discriminatory , and illegal and consequently direct the

Respondent to release the said Jewels without insisting payment of crop loan STPL A/c. No.06/89 by holding that the petitioner in not liable to repay the crop loan.

For the Petitioner : MR.V.JAGAPATHI, Advocate.

For the Respondent : MR.K.SRINIVASAMURTHY, Advocate ( Not Present ).

**The Court Made the Following :**

## ORAL ORDER:

**1.** This petition was filed against Sri Venkateswara Grameena Bank by the petitioner seeking direction against the respondent – Bank seeking to declare the action of the respondent in not releasing jewels weighing 19.700 grams pledged by the petitioner with the respondent – Bank towards gold loan Account No.44/88 as arbitrary and further to direct the respondent to release the jewels without insisting upon payment of crop loan STPL A/c No.06/89.

2. Petitioner alleged that he had paid the entire amount of gold loan of Rs.2850=00 taken on 13.10.1988 along with interest on 16.6.1992. But despite clearing the said loan, the jewels were not returned and bank was insisting that it had to recover some more loans which are nothing to do with the gold loan.

3. Along with writ petition, interim relief was sought by

the petitioner and on 18.08.1994 interim order was passed directing respondent to release forthwith jewels pledged by the petitioner vide gold loan A/c No.44/88 pending the writ petition on condition of petitioner depositing Rs.5,000=00 with the respondent – Bank. Despite this interim order, no counter has been filed by respondent – Bank. Petitioner is alleged to have deposited Rs.5,000=00 and jewels pledged were returned to the petitioner. Since no affidavit in reply has been filed by the respondent – Bank, there is no alternative except to allow the writ petition in terms of the prayer made in the writ petition and consequently respondent – Bank is directed to refund the amount of Rs.5,000=00 which was deposited by the petitioner pursuant to the interim order as a condition for refund of the jewels. Writ petition is accordingly allowed. No costs.

**DEVINDER GUPTA. C.J.,**

**Dated: 17.06.2004.**

**VRK.**

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, Chief Justice, on Thursday the seventeenth day of June, Two thousand and four.

To

1. The Manager, Sri Venkateswara Grameena Bank,
Karani Branch,Nagalapuram (M),
Chittoor Dist.
2. 2 CD copies.

**HON'BLE SRI DEVINDER GUPTA,**
**CHIEF JUSTICE**

**W.P.NO. 14980 OF 1994.**

**Dt: 17.06.2004**.